

40 § 487

PUBLIC BUILDINGS, ETC.

Management and Budget, respectively. Records, property, personnel, and funds of the Bureau of the Budget were transferred to the Office of Management and

Budget. See Part I of Reorganization Plan 2 of 1970, set out in the Appendix to Title 5, Government Organization and Employees.

§ 489. Civil remedies and penalties; jurisdiction and venue; additional penalties

15. Injunction

Governing principles pertaining to court's responsibility in granting interim and final injunctive relief precluded court from ordering General Services Administration to prepare an environmental impact statement, with respect to transfer of property in question to electric utility as site for building of nuclear power electric generating plant, without first exploring possibility that, due to

Department of Interior's assertedly paramount interest in property, no environmental impact statement either as to the entire property in question or, as to any part of it, is required by National Environmental Policy Act, section 4321 et seq. of Title 42; thus, further filings of memoranda and hearing were required. Rhode Island Committee on Energy v. General Services Administration, D.C.R.I. 1976, 411 F.Supp. 323.

§ 490. Operation of buildings and related activities by Administrator—General duties

(a) Whenever and to the extent that the Administrator has been or hereafter may be authorized by any provision of law other than this subsection to maintain, operate, and protect any building, property, or grounds situated in or outside the District of Columbia, including the construction, repair, preservation, demolition, furnishing, and equipment thereof, he is authorized in the discharge of the duties so conferred upon him—

[See main volume for text of (1) to (13)]

(14) to enter into contracts for periods not exceeding three years for the inspection, maintenance, and repair of fixed equipment in such buildings which are federally owned;

(15) to render direct assistance to and perform special services for the Inaugural Committee (as defined in section 721 of Title 36) during an inaugural period in connection with Presidential inaugural operations and functions, including employment of personal services without regard to the civil service and classification laws; provide Government-owned and leased space for personnel and parking; pay overtime to guard and custodial forces; erect and remove stands and platforms; provide and operate first-aid stations; provide furniture and equipment; and provide other incidental services in the discretion of the Administrator;

(16) to enter into leases of space on major pedestrian access levels and courtyards and rooftops of any public building with persons, firms, or organizations engaged in commercial, cultural, educational, or recreational activities (as defined in section 612a of this title). The Administrator shall establish a rental rate for such leased space equivalent to the prevailing commercial rate for comparable space devoted to a similar purpose in the vicinity of the public building. Such leases may be negotiated without competitive bids, but shall contain such terms and conditions and be negotiated pursuant to such procedures as the Administrator deems necessary to promote competition and to protect the public interest;

(17) to make available, on occasion, or to lease at such rates and on such other terms and conditions as the Administrator deems to be in the public interest, auditoriums, meeting rooms, courtyards, rooftops, and lobbies of public buildings to persons, firms, or organizations engaged in cultural, educational, or recreational activities (as defined in section 612a of this title) that will not disrupt the operation of the building;

(18) to deposit into the fund established by subsection (f) of this section all sums received under leases or rentals executed pursuant to paragraphs (16) and (17) of this subsection, and each

S, ETC.

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See Part I of Reorganization of 1970, set out in the Appendix to Government Organization and Em-

jurisdiction and venue; addi-

ment of Interior's assertedly para- interest in property, no environ- impact statement either as to the property in question or, as to any It, is required by National Envi- tal Policy Act, section 4321 et seq. le 42; thus, further filings of and hearing were required. Island Committee on Energy v. Services Administration, D.C.R.I. 1 F.Supp. 323.

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sum shall be credited to the appropriation made for such fund applicable to the operation of such building; and

(19) to furnish utilities, maintenance, repair, and other services to persons, firms, or organizations leasing space pursuant to para- graphs (16) and (17) of this subsection. Such services may be provided during and outside of regular working hours of Federal agencies.

[See main volume for text of (b) to (d)]

Assignment and reassignment of space

(e) Notwithstanding any other provision of law, the Administrator is authorized, in accordance with policies and directives prescribed by the President under section 486(a) of this title and after consultation with the heads of the executive agencies affected, to assign and reassign space of all executive agencies in Government-owned and leased build- ings in and outside the District of Columbia upon a determination by the Administrator that such assignment or reassignment is advantageous to the Government in terms of economy, efficiency, or national security. The Administrator shall, where practicable, give priority in the assign- ment of space on any major pedestrian access level not leased under the terms of subsection (a)(16) or (a)(17) of this section in such buildings to Federal activities requiring regular contact with members of the public. To the extent such space is unavailable, the Administrator shall provide space with maximum ease of access to building entrances.

Fund for real property management and related activities; establishment; deposit of revenues and collections; merger of unexpended balances; assumption of liabilities, obligations, and commitments; appropriation of advances; special services

(f) (1) There is hereby established in the Treasury of the United States on such date as may be determined by the Administrator, a fund into which there shall be deposited the following revenues and collec- tions:

(A) User charges made pursuant to subsection (j) of this sec- tion payable in advance or otherwise.

(B) Proceeds with respect to building sites authorized to be leased pursuant to subsection (a) of this section.

(C) Receipts from carriers and others for loss of, or damage to, property belonging to the fund.

(2) Moneys deposited into the fund shall be available for expendi- ture for real property management and related activities in such amounts as are specified in annual appropriations Acts without regard to fiscal year limitations.

(3) There are hereby merged with the fund established under this subsection, unexpended balances of (A) the Buildings Management Fund (including any surplus therein), established pursuant to this subsection prior to its amendment by the Public Buildings Amendments of 1972; (B) the Construction Services Fund, created by section 296 of this title; and (C) any funds appropriated to General Services Administration under the headings "Repair and Improvement of Public Buildings", "Con- struction, Public Buildings Projects", "Sites and Expenses, Public Build- ings Projects", "Construction, Federal Office Building Numbered 7, Washington, District of Columbia", and "Additional Court Facilities", in any appropriation Act, for the years prior to the fiscal year in which the fund becomes operational. The fund shall assume all the liabilities, obligations, and commitments of the said (1) Buildings Management Fund, (2) Construction Services Fund, and (3) the appropriations spec- ified in (C) hereof.

(4) There is authorized to be appropriated to the fund for the fiscal year in which the fund becomes operational, and for the succeeding fis- cal year, such advances to the fund as may be necessary to carry out its

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purposes. Such advances shall be repaid within 30 years, with interest at a rate not less than a rate determined by the Secretary of the Treasury taking into consideration the current average market yield on outstanding marketable obligations of the United States with remaining period to maturity comparable to the average maturities of such advances adjusted to the nearest one-eighth of 1 per centum.

(5) In any fiscal year there may be deposited to miscellaneous receipts in the Treasury of the United States such amount as may be specified in appropriation Acts.

(6) Nothing in this section shall preclude the Administrator from providing special services not included in the standard level user charge on a reimbursable basis and such reimbursements may be credited to the fund established under this subsection.

[See main volume for text of (g) to (i)]

**Charges for space and services furnished by Administrators;
determination of rates; exemption from charges**

(j) The Administrator is authorized and directed to charge anyone furnished services, space, quarters, maintenance, repair, or other facilities (hereinafter referred to as space and services), at rates to be determined by the Administrator from time to time and provided for in regulations issued by him. Such rates and charges shall approximate commercial charges for comparable space and services, except that with respect to those buildings for which the Administrator of General Services is responsible for alterations only (as the term "alter" is defined in section 612(5) of this title), the rates charged the occupant for such services shall be fixed by the Administrator so as to recover only the approximate applicable cost incurred by him in providing such alterations. The Administrator may exempt anyone from the charges required by this subsection if he determines that such charges would be infeasible or impractical. To the extent any such exemption is granted, appropriations to the General Services Administration are authorized to reimburse the fund for any loss of revenue.

**Charges for space and services furnished by executive agencies;
approval of rates by Administrator; credit to
appropriation or fund**

(k) Any executive agency, other than the General Services Administration, which provides to anyone space and services set forth in subsection (j) of this section, is authorized to charge the occupant for such space and services at rates approved by the Administrator. Moneys derived by such executive agency from such rates or fees shall be credited to the appropriation or fund initially charged for providing the service, except that amounts which are in excess of actual operating and maintenance costs of providing the service shall be credited to miscellaneous receipts unless otherwise authorized by law.

June 30, 1949, c. 288, Title II, § 210, as added Sept. 5, 1950, c. 849, § 5(c), 64 Stat. 580, and amended July 12, 1952, c. 703, § 1(7), 66 Stat. 594; Sept. 1, 1954, c. 1211, § 3, 68 Stat. 1129; July 2, 1958, Pub.L. 85-493, § 1, 72 Stat. 294; Sept. 2, 1958, Pub.L. 85-886, §§ 1, 3, 72 Stat. 1709; Sept. 9, 1959, Pub.L. 86-249, § 12(e), 73 Stat. 482; Oct. 20, 1965, Pub.L. 89-276, 79 Stat. 1010; Nov. 8, 1965, Pub.L. 89-344, 79 Stat. 1304; Oct. 22, 1968, Pub.L. 90-626, 82 Stat. 1319; June 16, 1972, Pub.L. 92-313, §§ 3, 4, 86 Stat. 218, 219; Oct. 18, 1976, Pub.L. 94-541, Title I, §§ 103(3), 104, 90 Stat. 2506.

References in Text. "Prior to its amendment by the Public Buildings Amendments of 1972", referred to in subsec. (f) (3), means prior to the amendment of this subsection by Pub.L. 92-313, which was approved June 18, 1972. For distribution of such Act in this Code, see Short Title note set out under section 603 of this title.

Codification. Section 103(3) of Pub.L. 94-541 redesignated former subsec. (d) as subsec. (e) of Pub.L. 89-249.

1976 Amendment. Subsec. (a)(16)-(19) Pub.L. 94-541, § 104(a), added pars. (16) to (19).

Subsec. (e). Pub.L. 94-541, § 104(b), required the Administrator, where practicable, to give priority in the assignment

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t. 5, 1950, c. 849, §§ 7(a),
§ 1(a), (b), 66 Stat. 593;
9; Aug. 12, 1955, c. 874,
§ 37, § 5, 72 Stat. 29; June
18; July 12, 1960, Pub.L.

endment. Subsec. (d) Act July
1(a), enlarged the definition of
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(k). Act July 12, 1952, § 1(b),
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(d). Act Sept. 5, 1950, § 7(a),
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Date. Section effective July
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le Cong. and Adm. News p. 3547.
ct July 12, 1952, 1952 U.S. Code
Adm. News, p. 2121; Act Sept.
54 U.S. Code Cong. and Adm.
8883; Act Aug. 12, 1955, 1955
Cong. and Adm. News, p.
L. 85-337, 1958 U.S. Code Cong.
News, p. 2227; Pub.L. 86-70,
ode Cong. and Adm. News,
Pub.L. 86-624, 1960 U.S. Code
Adm. News, p. 2963.

ted States §§ 74, 75, 79.

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MANAGEMENT AND DISPOSAL 40 § 474

§ 473. Applicability of existing procedures

All policies, procedures, and directives prescribed—

(a) by either the Director, Bureau of Federal Supply, or the Secre-
tary of the Treasury and relating to any function transferred to or
vested in the Administrator, by the provisions of this Act;

(b) by any officer of the Government under the authority of the
Surplus Property Act of 1944, as amended, or under other authority
with respect to surplus property or foreign excess property;

(c) by or under authority of the Federal Works Administrator or
the head of any constituent agency of the Federal Works Agency;
and

(d) by the Archivist of the United States or any other officer or
body whose functions are transferred by chapter 16 of this title, in
effect upon July 1, 1949, and not inconsistent herewith, shall remain
in full force and effect unless and until superseded, or except as
they may be amended, under the authority of this Act or under other
appropriate authority.

June 30, 1949, c. 288, Title VI, § 601, formerly Title V, § 501, 63
Stat. 399, renumbered Sept. 5, 1950, c. 849, § 6(a), (b), 64 Stat. 583.

Historical Note

References in Text. This Act, referred
to in text, is Act June 30, 1949, c. 288, 63
Stat. 378. Titles I-IV and VI-VIII there-
of are classified to this chapter and
chapter 16 of this title, and chapter 4 of
Title 41, Public Contracts. Title V there-
of was classified to former chapter 11 of
Title 44, Public Printing and Documents,
but was repealed by Pub.L. 90-620, § 3,
Oct. 22, 1968, 82 Stat. 1309. The subject
matter of such former Title V is now
covered by chapters 21, 25, 27, 29 and 31
of Title 44.

The Surplus Property Act of 1944, as
amended, referred to in text, is Act Oct.
3, 1944, c. 470, 58 Stat. 705, which was
classified to sections 1611-1614, 1615-1621,
1622, 1623-1632, 1633-1646 of the Appendix
to Title 50, War and National Defense.
All of these sections, except sections 1622,
1631, 1637 and 1641 of such title were re-
pealed by Act June 30, 1949, c. 288, Title
VI, § 612(a) (1), 63 Stat. 399, eff. July 1,
1949, as renumbered by Act Sept. 5, 1950,
c. 849, § 6(a) (b), 64 Stat. 583, and are

now covered by this chapter. Sections
1622 and 1641 were only partially re-
pealed by the 1949 act and are still set
out in such Appendix. Section 1631 was
repealed by Act June 7, 1939, c. 190, §
6(e), as added by Act July 2, 1946, c.
590, 60 Stat. 599, and section 1637 was re-
pealed by Act June 25, 1948, c. 635, § 21,
62 Stat. 862, eff. Sept. 1, 1948. Section
1637 is now covered by section 3237 of
Title 18, Crimes and Criminal Procedure.

Bureau of Federal Supply. Abolish-
ment of Bureau of Federal Supply, re-
ferred to in the text and transfer of
functions, see section 752 of this title.

Federal Works Agency. Abolishment
of Federal Works Agency and of office
of Works Administrator, referred to in
the text, and transfer of functions, see
section 753 of this title.

Effective Date. Section effective July
1, 1949, see note set out under section
471 of this title.

§ 474. Congress, departments, agencies, corporations, and persons exempted from provisions

The authority conferred by this Act shall be in addition and para-
mount to any authority conferred by any other law and shall not be
subject to the provisions of any law inconsistent herewith, except

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that sections 486(b) and 487(c) of this title shall not be applicable to any Government corporation or agency which is subject to the Government Corporation Control Act.

Nothing in this Act shall impair or affect any authority of—

- (1) the President under the Philippine Property Act of 1946;
- (2) any executive agency with respect to any phase (including, but not limited to, procurement, storage, transportation, processing, and disposal) of any program conducted for purposes of resale, price support, grants to farmers, stabilization, transfer to foreign governments, or foreign aid, relief, or rehabilitation: *Provided*, That the agency carrying out such program shall, to the maximum extent practicable, consistent with the fulfillment of the purposes of the program and the effective and efficient conduct of its business, coordinate its operations with the requirements of said chapters and the policies and regulations prescribed pursuant thereto;
- (3) any executive agency named in the Armed Services Procurement Act of 1947, and the head thereof, with respect to the administration of said Act;
- (4) the Department of Defense with respect to property required for or located in occupied territories;
- (5) the Secretary of Defense with respect to the administration of the National Industrial Reserve Act of 1948;
- (6) the Secretary of Defense, the Munitions Board, and the Secretaries of the Army, Navy, and Air Force with respect to the administration of the Strategic and Critical Materials Stock Piling Act;
- (7) the Secretary of State under the Foreign Service Buildings Act of May 7, 1926, as amended;
- (8) the Secretary of the Army, the Secretary of the Navy, and the Secretary of the Air Force with respect to the administration of section 1171(b) of Appendix to Title 50;
- (9) the Secretary of Agriculture or the Department of Agriculture under (A) the National School Lunch Act; (B) the Farmers Home Administration Act of 1946; (C) the Act of August 31, 1947, Public Law 298, Eightieth Congress, with respect to the disposal of labor supply centers, and labor homes, labor camps, or facilities; (D) section 612c of Title 7, with respect to the exportation and domestic consumption of agricultural products; or (E) section 1291 or section 1622(j) of Title 7;
- (10) the Secretary of Agriculture, Farm Credit Administration, or any farm credit board under section 640(b) of Title 12, with respect to the acquisition or disposal of property;

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shall not be applicable
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(11) the Department of Housing and Urban Development or any officer thereof with respect to the disposal of residential property, or of other property (real or personal) held as part of or acquired for or in connection with residential property, or in connection with the insurance of mortgages, loans, or savings and loan accounts under the National Housing Act;

(12) the Tennessee Valley Authority with respect to non-personal services, with respect to the matters referred to in section 481(a) (4) of this title, and with respect to any property acquired or to be acquired for or in connection with any program of processing, manufacture, production, or force account construction: *Provided*, That the Tennessee Valley Authority shall to the maximum extent that it may deem practicable, consistent with the fulfillment of the purpose of its program and the effective and efficient conduct of its business, coordinate its operations with the requirements of said chapters and the policies and regulations prescribed pursuant thereto;

(13) the Atomic Energy Commission;

(14) the Administrator of the Federal Aviation Agency or the Chief of the Weather Bureau with respect to the disposal of airport property and airway property for use as such property. For the purpose of this paragraph the terms "airport property" and "airway property" shall have the respective meanings ascribed to them in the International Aviation Facilities Act;

(15) the Postmaster General or the Postal Establishment with respect to the means and methods of distribution and transportation of the mails, and contracts, negotiations, and proceedings before Federal and State regulatory and rate-making bodies, relating to the transportation of the mails, and the leasing and acquisition of real property, as authorized by law;

(16) the United States Maritime Commission with respect to the construction, reconstruction, and reconditioning (including outfitting and equipping incident to the foregoing), the acquisition, procurement, operation, maintenance, preservation, sale, lease, or charter of any merchant vessel or of any shipyard, ship site, terminal, pier, dock, warehouse, or other installation necessary or appropriate for the carrying out of any program of such Commission authorized by law, or nonadministrative activities incidental thereto: *Provided*, That the United States Maritime Commission shall to the maximum extent that it may deem practicable, consistent with the fulfillment of the purposes of such programs and the effective and efficient conduct of such activities, coordinate its operations with the requirements of said chapters, and the policies and regulations prescribed pursuant thereto;

✓ (17) the Central Intelligence Agency;

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(18) the Joint Committee on Printing, under the Act entitled "An Act providing for the public printing and binding and the distribution of public documents" approved January 12, 1895 (28 Stat. 601), as amended or any other act;

(19) for such period of time as the President may specify, any other authority of any executive agency which the President determines within one year after the effective date of said chapters should, in the public interest, stand unimpaired by said chapters; or

(20) The Secretary of the Interior with respect to procurement for program operations under the Bonneville Project Act of 1937, as amended.

No provision of this Act, as amended, shall apply to the Senate or the House of Representatives (including the Architect of the Capitol and any building, activity, or function under his direction), but any of the services and facilities authorized by said Act to be rendered or furnished shall, as far as practicable, be made available to the Senate, the House of Representatives, or the Architect of the Capitol, upon their request, and, if payment would be required for the rendition or furnishing of a similar service or facility to an executive agency, payment therefor shall be made by the recipient thereof, upon presentation of proper vouchers, in advance or by reimbursement (as may be agreed upon by the Administrator and the officer or body making such request). Such payment may be credited to the applicable appropriation of the executive agency receiving such payment.

June 30, 1949, c. 288, Title VI, § 602(c), (d), formerly Title V, § 502 (c), (d), 63 Stat. 401, renumbered and amended Sept. 5, 1950, c. 849, §§ 6(a), (b), 7(e), (f), 8(c), 64 Stat. 583, 590; Aug. 23, 1958, Pub.L. 85-726, Title XIV, § 1406, 72 Stat. 808; May 24, 1962, Pub.L. 87-456, Title III, § 303(b), 76 Stat. 78; Nov. 8, 1965, Pub.L. 89-343, § 6, 79 Stat. 1303; May 25, 1967, Pub.L. 90-19, § 7, 81 Stat. 22.

Historical Note

References in Text. This Act, referred to in text, is Act June 30, 1949, c. 288, 63 Stat. 373. Titles I-IV and VI-VIII thereof are classified to this chapter and chapter 16 of this title, and chapter 4 of Title 41, Public Contracts. Title V thereof was classified to former chapter 11 of Title 44, Public Printing and Documents, but was repealed by Pub.L. 90-620, § 3, Oct. 22, 1968, 82 Stat. 1309. The subject matter of such former title V is now covered by chapters 21, 25, 27, 29, and 31 of Title 44.

The Government Corporation Control Act referred to in the opening par. is classified to chapter 14 of Title 31, Money and Finance.

The Philippine Property Act of 1946 referred to in par. (1) is classified to sections 1381-1396 of Title 22, Foreign Relations and Intercourse.

The Armed Services Procurement Act of 1947 referred to in par. (3) was classified to former sections 151-161 of Title 41, Public Contracts, which sections were repealed by Act Aug. 10, 1956, c. 1041, § 53, 70A Stat. 641, and are now covered by section 2301 et seq. of Title 10, Armed Forces.

The National Industrial Reserve Act of 1948 referred to in par. (5) is classified to sections 451-462 of Title 50, War and National Defense.